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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,929	08/13/2001	Terho Kaikuranta	944-003.101	8029

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,929

Applicant(s)

KAIKURANTA, TERHO

Examiner

Chanh Nguyen

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement filed on December 26, 2001 have been considered by examiner; see attached PTO-1449.

Specification

2. The serial number of the pending application entitled METHOD AND DEVICE FOR DETECTING TOUCH PAD INPUT cited on the specification page 1, lines 5-8 , page 11, line 20 should be provided so that it can be considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agnew (US 2002/0084992 A1) in view of Jambhekar et al (U.S. Patent No. 5,715,524).

As to claim 1, Agnew discloses a touch pad device (14) including a plurality of optical sensor components (14 and 22) having at least two light emitter (16) (see page 2, paragraph 0022) and one light receiver (22) to detect the present of the object at the touch pad device (14) (see page 2 paragraphs 0024 and 0028). Agnew teaches the optical sensor components (14 and 22) being disposed near the touch pad device (14) such that the light receiver (22) capable of receiving light emitted from the light emitter

for providing an output signal and the output signal caused to changed when the object (finger or stylus) is present (see page 2, paragraphs 0024-0025 and 0029). Agnew teaches the step of detecting the change in the output signal for providing the touch signal when the object is present (see page 2, paragraphs 0024-0025 and 0029).

Agnew does not mention the steps of preventing unintended touch pad input resulting form accidental touching of a touch pad device in an electronic device. In the same field of endeavor (cellular phone with touch pad), Jambhekar teaches an electronic device (103) a key lock function (i.e. a switch 127) settable in a first state allowing a user to input into the electronic device one of a plurality of input functions (e.g., touch pad function) and settable in a second state allowing the user to input into the electronic device (103) one of a number of selected one of a the plurality of input functions (e.g., key function) (see column 3,line 66 through column 4, line 11).

Jambhekar teaches all the steps of determining whether the key lock function (switch 127) is in the first state or in the second state in response to the touch signal, if the key lock function is the first state, if the key lock function is in the second state and the touch pad is one of the selected input functions, providing the touch pad input indicative of the touch pad function (see column 2, lines 51-55 and column 4, lines 1-11). It is clear that the Jambhekar clearly teaches a method of preventing unintended touch pad input resulting from accidental touch of a touch pad device in an electronic device because the switch (127) determines activating only one of the user functions at time (i.e. either activate key pad user function or touch pad user function). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to

Art Unit: 2675

have used the key lock function of Jambekar to the electronic device of Agnew so that a user could easily identify the user interface of a first data service from a user interface of a second data service (see column 1, lines 43-46 of Jambekar).

As to claim 6, this claim differs from claim 1 only in that the limitation of a first state functions defined in the claim 6 whereas claim 1 defines the function of second state. Jambekar clearly teaches the step of providing the touch pad input indicative of the touch pad function only if the key lock function is the first state (see column 4, lines 1-11).

As to claim 10, this claim differs from claims 1 and 6 only in that claims 1 and 6 are method whereas claim 10 is apparatus. Thus, apparatus claim 10 is analyzed as previously discussed with respect to claims 1 and 6 above.

As to claims 2-3, 8 and 11-12, since the switch (127) of Jambekar connected to a microprocessor (115) for performing function change between touch pad and key pad. The processor (133) is clearly carryout by a software. The processor (113) is just a piece of silicon or semiconductor if it does not have software programming on it.

As to claim 4, Agnew clearly teaches the touch pad device allowing the user to choose one of a plurality of touch pad function based on the location of the object present at the touch pad device including the step of determining the chosen touch pad function based on the change in the output signal (see page 1, paragraph 0014). That is the electronic device of Agnew includes one of the devices such as mobile telephone, PDA, book reader. These device have a plurality of functions displayed on the screen

Art Unit: 2675

so that a user can select one of the functions to provide the information for a user needed.

As to claim 5, since both device of Agnew and Jambekar are mobile telephone. It is clear that the selected functions including zero (i.e. number zero located on the key pad of the telephone).

As to claims 7, 9, combining Agnew and Jambekar would arrive the step of powering off the optical sensor components when the key lock function is in the second state. Moreover, it is well-known to turn off the touch pad for conserving power, even acknowledged by applicant on page 2, lines 8-29 of the specification.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sirola et al (U.S. Patent No. 6,415,138) and Lundqvist (U.S. Patent No. 6,424,844) are cited to teach portable telephone with a touch pad.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

Art Unit: 2675

Any response to this action should be mailed to:

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Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



C. Nguyen
August 9, 2003



CHANH NGUYEN
PRIMARY EXAMINER